

Union Calendar No. 360

112TH CONGRESS
2D SESSION

H. R. 2512

[Report No. 112-512]

To provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2011

Mr. HECK (for himself and Ms. BERKLEY) introduced the following bill; which was referred to the Committee on Natural Resources

JUNE 1, 2012

Additional sponsor: Mr. AMODEI

JUNE 1, 2012

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 13, 2011]

A BILL

To provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Three Kids Mine Reme-*
5 *diation and Reclamation Act”.*

6 **SEC. 2. DEFINITIONS.**

7 *In this Act:*

8 (1) *HAZARDOUS SUBSTANCE; POLLUTANT OR*
9 *CONTAMINANT; RELEASE; REMEDY; RESPONSE.—The*
10 *terms “hazardous substance”, “pollutant or contami-*
11 *nant”, “release”, “remedy”, and “response” have the*
12 *meanings respectively set forth for those terms in sec-*
13 *tion 101 of the Comprehensive Environmental Re-*
14 *sponse, Compensation, and Liability Act of 1980 (42*
15 *U.S.C. 9601).*

16 (2) *HENDERSON REDEVELOPMENT AGENCY.—The*
17 *term “Henderson Redevelopment Agency” means the*
18 *public body, corporate and politic, known as the rede-*
19 *velopment agency of the City of Henderson, Nevada,*
20 *established and authorized to transact business and*
21 *exercise its powers in accordance with the Nevada*
22 *Community Redevelopment Law (Nev. Rev. Stat.*
23 *279.382 to 279.685, inclusive).*

24 (3) *SECRETARY.—The term “Secretary” means*
25 *the Secretary of the Interior.*

1 (4) *STATE.*—The term “State” means the State
2 of Nevada.

3 (5) *THREE KIDS MINE FEDERAL LAND.*—The
4 term “Three Kids Mine Federal Land” means the
5 parcel or parcels of Federal land consisting of ap-
6 proximately 948 acres in sections 26, 34, 35, and 36,
7 Township 21 South, Range 63 East, Mount Diablo
8 Meridian, Nevada, as depicted on the map entitled
9 “Three Kids Mine Project Area” and dated February
10 6, 2012.

11 (6) *THREE KIDS MINE PROJECT SITE.*—The term
12 “Three Kids Mine Project Site” means the Three Kids
13 Mine Federal Land and the adjacent approximately
14 314 acres of non-Federal land, together comprising
15 approximately 1,262 acres, as depicted on the map
16 entitled “Three Kids Mine Project Area” and dated
17 February 6, 2012.

18 **SEC. 3. LAND CONVEYANCE.**

19 (a) *IN GENERAL.*—Notwithstanding sections 202 and
20 203 of the Federal Land Policy and Management Act of
21 1976 (43 U.S.C. 1712, 1713) and any other provision of
22 law, as soon as practicable after fulfillment of the conditions
23 in subsection (b), and subject to valid existing rights, the
24 Secretary shall convey to the Henderson Redevelopment

1 *Agency all right, title, and interest of the United States in*
2 *the Three Kids Mine Federal Land.*

3 (b) *CONDITIONS.—*

4 (1) *DETERMINATION OF FAIR MARKET VALUE.—*

5 *The Secretary shall administratively adjust the fair*
6 *market value of the Three Kids Mine Federal Land as*
7 *determined pursuant to paragraph (2) by deducting*
8 *from the fair market value of the Three Kids Mine*
9 *Federal Land the reasonable approximate assessment,*
10 *remediation and reclamation costs for the Three Kids*
11 *Mine Project Area as determined pursuant to para-*
12 *graph (3). The Secretary shall begin the appraisal*
13 *and cost determination under paragraphs (2) and*
14 *(3), respectively, not later than 30 days after the date*
15 *of the enactment of this Act.*

16 (2) *APPRAISAL.—The Secretary shall determine*
17 *the fair market value of the Three Kids Mine Federal*
18 *Land based on an appraisal without regard to any*
19 *existing contamination associated with historical*
20 *mining or other uses on the property and in accord-*
21 *ance with nationally recognized appraisal standards*
22 *including the Uniform Appraisal Standards for Fed-*
23 *eral Land Acquisitions and the Uniform Standards of*
24 *Professional Appraisal Practice. The Henderson Rede-*

1 *velopment Agency shall reimburse the Secretary for
2 costs incurred in performing the appraisal.*

3 (3) *REMEDIATION AND RECLAMATION COSTS.—*
4 *The Secretary shall prepare a reasonable approximate
5 estimation of the costs to assess, remediate, and re-
6 claim the Three Kids Mine Project Site. This esti-
7 mation shall be based upon the results of a com-
8 prehensive Phase II environmental site assessment of
9 the Three Kids Mine Project Site prepared by the
10 Henderson Redevelopment Agency or its designee that
11 has been approved by the State, and shall be prepared
12 in accordance with the current version of ASTM
13 International Standard E-2137-06 entitled “Stand-
14 ard Guide for Estimating Monetary Costs and Liabil-
15 ties for Environmental Matters”. The Phase II envi-
16 ronmental site assessment shall, without limiting any
17 additional requirements that may be required by the
18 State, be conducted in accordance with the procedures
19 of the current versions of ASTM International Stand-
20 ard E-1527-05 entitled “Standard Practice for Envi-
21 ronmental Site Assessments: Phase I Environmental
22 Site Assessment Process” and ASTM International
23 Standard E-1903-11 entitled “Standard Practice for
24 Environmental Site Assessments: Phase II Environ-
25 mental Site Assessment Process”. The Secretary shall*

1 *review and consider cost information proffered by the*
2 *Henderson Redevelopment Agency and the State. In*
3 *the event of a disagreement among the Secretary,*
4 *Henderson Redevelopment Agency, and the State over*
5 *the reasonable approximate estimate of costs, the par-*
6 *ties shall jointly select one or more experts to advise*
7 *the Secretary in making the final determination of*
8 *such costs.*

9 (4) *CONSIDERATION.—The Henderson Redevelop-*
10 *ment Agency shall pay the fair market value, if any,*
11 *as determined under this subsection.*

12 (5) *MINE REMEDIATION AND RECLAMATION*
13 *AGREEMENT EXECUTED.—The Secretary receives from*
14 *the State notification, in writing, that the Mine Re-*
15 *mediation and Reclamation Agreement has been exe-*
16 *cuted. The Mine Remediation and Reclamation*
17 *Agreement shall be an enforceable consent order or*
18 *agreement administered by the State that—*

19 (A) *obligates a party to perform, after the*
20 *conveyance of the Three Kids Mine Federal Land*
21 *under this Act, the remediation and reclamation*
22 *work at the Three Kids Mine Project Site nec-*
23 *essary to complete a permanent and appro-*
24 *priately protective remedy to existing environ-*

1 *mental contamination and hazardous conditions;*

2 *and*

3 *(B) contains provisions determined to be
4 necessary by the State, including financial as-
5 surance provisions to ensure the completion of
6 such remedy.*

7 *(6) NOTIFICATION.—The Secretary receives from
8 the Henderson Redevelopment Agency notification, in
9 writing, that the Henderson Redevelopment Agency is
10 prepared to accept conveyance of the Three Kids Mine
11 Federal Land under this Act. Such notification must
12 occur not later than 90 days after execution of the
13 Mine Remediation and Reclamation Agreement re-
14 ferred to in paragraph (5).*

15 **SEC. 4. WITHDRAWAL.**

16 *(a) IN GENERAL.—Subject to valid existing rights, for
17 the 10-year period following the date of the enactment of
18 this Act or on the date of the conveyance required by this
19 Act, whichever is earlier, the Three Kids Mine Federal Land
20 is withdrawn from all forms of—*

21 *(1) entry, appropriation, operation, or disposal
22 under the public land laws;*

23 *(2) location, entry, and patent under the mining
24 laws; and*

1 (3) disposition under the mineral leasing, mineral
2 materials, and the geothermal leasing laws.

3 (b) EXISTING RECLAMATION WITHDRAWALS.—Subject
4 to valid existing rights, any withdrawal of public land for
5 reclamation project purposes that includes all or any por-
6 tion of the Three Kids Mine Federal Land for which the
7 Bureau of Reclamation has determined that it has no fur-
8 ther need under applicable law is hereby relinquished and
9 revoked solely to the extent necessary to exclude from the
10 withdrawal the land no longer needed and to allow for the
11 immediate conveyance of the Three Kids Mine Federal
12 Land as required under this Act.

13 (c) EXISTING RECLAMATION PROJECT AND PER-
14 MITTED FACILITIES.—Without limiting the general appli-
15 cability of section 3(a), nothing in this Act shall diminish,
16 hinder, or interfere with the exclusive and perpetual use by
17 existing rights holders for the operation, maintenance, and
18 improvement of water conveyance infrastructure and facili-
19 ties, including all necessary ingress and egress, situated on
20 the Three Kids Mine Federal Land that were constructed
21 or permitted by the Bureau of Reclamation prior to the ef-
22 fective date of this Act.

23 **SEC. 5. ACEC BOUNDARY ADJUSTMENT.**

24 Notwithstanding section 203 of the Federal Land Pol-
25 icy and Management Act of 1976 (43 U.S.C. 1717), the

1 boundary of the River Mountains Area of Critical Environ-
2 mental Concern (NVN 76884) is hereby adjusted consistent
3 with the map entitled “Three Kids Mine Project Area” and
4 dated February 6, 2012.

5 **SEC. 6. RELEASE OF THE UNITED STATES.**

6 Upon making the conveyance under section 3, notwithstanding
7 any other provision of law, the United States is
8 released from any and all liabilities or claims of any kind
9 or nature arising from the presence, release, or threat of
10 release of any hazardous substance, pollutant, contaminant,
11 petroleum product (or derivative of a petroleum product of
12 any kind), solid waste, mine materials or mining related
13 features (including tailings, overburden, waste rock, mill
14 remnants, pits, or other hazards resulting from the presence
15 of mining related features) at the Three Kids Mine Project
16 Site in existence on or before the date of the conveyance.

17 **SEC. 7. SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT**

18 **ACT.**

19 Southern Nevada Public Land Management Act of
20 1998 (31 U.S.C. 6901 note; Public Law 105–263) shall not
21 apply to land conveyed under this Act.

Union Calendar No. 360

112TH CONGRESS
2D SESSION

H. R. 2512

[Report No. 112-512]

A BILL

To provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes.

JUNE 1, 2012

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed